

DECISION



11629 *Klaman Proc I*
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-196169

DATE: October 10, 1979

MATTER OF: Hydro-Flame Enterprises, Inc. *DLG03004*

[Protest Alleging Amended RFP Was Not Supplied by Agency]
DIGEST:

Protest filed with GAO more than 10 days after basis of protest was known or should have been known (nonreceipt of revised RFP) is untimely under 4 C.F.R. § 20.2(b)(2) (1979) and not for consideration on merits.

The Department of Health, Education, and Welfare (HEW) issued request for proposals (RFP) 105-79-3001-3005. Proposals were received; however, no award was made. Instead, the RFP was amended and revised proposals were solicited. The new date for receipt of proposals was set as August 17, 1979. This date was later extended to August 27, 1979. *AGC00022*

Hydro-Flame states that it learned of the amended RFP through an associate and called the contracting office on August 7, 1979. Further, Hydro-Flame advises that it was told the amended date for receipt of proposals was August 27, 1979, and that it would receive an amended copy of the RFP.

Hydro-Flame filed a protest with our Office on September 24, 1979, alleging that it neither received a communication regarding the amended RFP nor a copy of the revised RFP, even though HEW assured Hydro-Flame that it would have an opportunity to resubmit a proposal.

In our view, Hydro-Flame knew or should have known the basis of its protest by August 27, 1979, and since it filed its protest more than 10 days later, its protest is untimely under 4 C.F.R. § 20.2(b)(2) (1979) of our Bid Protest Procedures and not for consideration on the merits. Section 20.2(b)(2) provides in pertinent part as follows:

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"* * * bid protest shall be filed not later than 10 days after the basis of protest is known or should have been known, whichever is earlier."

Based on the foregoing, the protest is dismissed.

J. H. Barclay, Jr.
For Milton J. Socolar
General Counsel